

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

* * * * * C.R. NO. 15-120M
*
UNITED STATES OF AMERICA *
*
VS. * FEBRUARY 29, 2016
* 10:00 A.M.
*
RAFFAELE MARZIALE *
*
* * * * * PROVIDENCE, RI

BEFORE THE HONORABLE JOHN J. McCONNELL, JR.,
DISTRICT JUDGE

(Change of Plea Hearing)

APPEARANCES:

FOR THE GOVERNMENT: SANDRA R. HEBERT, AUSA
U.S. Attorney's Office
50 Kennedy Plaza
Providence, RI 02903

FOR THE DEFENDANT: THOMAS F. CONNORS, ESQ.
454 Broadway
Providence, RI 02903

Court Reporter: Karen M. Wischnowsky, RPR-RMR-CRR
One Exchange Terrace
Providence, RI 02903

1 29 FEBRUARY 2016 -- 10:00 A.M.

2 THE COURT: Good morning, everyone. We're here
3 this morning for a change of plea in the case of the
4 United States versus Raffaele Marziale.

5 THE DEFENDANT: Yes.

6 THE COURT: Did I say it right? Criminal Action
7 Number 15-120-03. Would counsel identify themselves
8 for the record, please.

9 MS. HEBERT: Sandra Hebert for the United
10 States.

11 THE COURT: Good morning, Ms. Hebert.

12 MR. CONNORS: Thomas F. Connors for
13 Mr. Marziale, your Honor.

14 THE COURT: Good morning, Mr. Connors.

15 MR. CONNORS: Good morning, your Honor.

16 THE COURT: Mr. Marziale, would you stand, and
17 Ms. McGuire will swear you in.

18 (Defendant sworn.)

19 THE CLERK: Would you please state your name and
20 spell your last name for the record.

21 MR. CONNORS: Raffaele Marziale,
22 M-A-R-Z-I-A-L-E.

23 THE COURT: Mr. Marziale, would you just pull
24 the microphone in close to you.

25 Actually, Tom, the thing has popped off of it.

1 Great. Thanks.

2 Mr. Marziale, you're under oath, and that
3 requires you to give me truthful answers to the
4 questions I ask. Do you understand that?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Okay. And if you fail to give me
7 truthful answers, further charges can be brought
8 against you, like perjury or other charges. Do you
9 understand that as well?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: Now, Mr. Marziale, there's a plea
12 agreement in this case that you signed, your attorney
13 signed, the Government signed. Do you recall signing
14 that plea agreement?

15 THE DEFENDANT: Yes, I do.

16 THE COURT: Okay. And did you sign that plea
17 agreement after you read it?

18 THE DEFENDANT: Yes.

19 THE COURT: And did you sign that plea agreement
20 after you discussed it thoroughly with your attorney?

21 THE DEFENDANT: Yes, I did.

22 THE COURT: And did he answer any questions that
23 you had about that plea agreement?

24 THE DEFENDANT: Yes, he did.

25 THE COURT: And did you knowingly and

1 voluntarily sign that plea agreement?

2 THE DEFENDANT: Yes, I did.

3 THE COURT: Sir, how old are you?

4 THE DEFENDANT: Forty-two.

5 THE COURT: And how far did you go in school?

6 THE DEFENDANT: A couple years of community
7 college. I'm a couple credits short of an associate's
8 degree, I believe.

9 THE COURT: And have you been treated recently
10 for any mental illness or addiction to narcotic drugs?

11 THE DEFENDANT: No.

12 THE COURT: And as you sit here today, are you
13 under the influence of any medication, drugs or
14 alcoholic beverages of any kind?

15 THE DEFENDANT: Well, I have a medical
16 condition, so I take medication every day.

17 THE COURT: Okay. What medicines do you take?
18 What medicines did you take yesterday or today?

19 THE DEFENDANT: I take medicine for my lungs. I
20 have pulmonary hypertension. Do you need the names of
21 the medicines or --

22 THE COURT: If you know them.

23 THE DEFENDANT: Yes. TYVASO, it's an inhaling
24 device. It's a liquid medicine that goes in a
25 nebulizer. I do that four times a day. Adcirca,

1 they're two pills. They're for my lungs, to keep the
2 pressure down. Letairis is another pill for my lungs.
3 Omeprazole, it's a pill for pre-pharynx cancerous
4 disease. I have scleroderma as well. Amlodipine, it's
5 for -- I have Raynaud's. And a couple others, like
6 vitamins, stuff I don't have the names.

7 THE COURT: Do any of the medications that
8 you're taking now affect your ability to think clearly?

9 THE DEFENDANT: No.

10 THE COURT: Do they cloud your head at all in
11 any fashion?

12 THE DEFENDANT: No.

13 THE COURT: Do they make you sleepy?

14 THE DEFENDANT: Sometimes.

15 THE COURT: When's the last time you took any of
16 the medications that make you sleepy?

17 THE DEFENDANT: Well, it depends. I don't
18 remember, but sometimes I can get joint pain and
19 fatigued.

20 THE COURT: As you sit here today, have any of
21 the medications affected your ability to think clearly?

22 THE DEFENDANT: No.

23 THE COURT: You feel fully -- despite the number
24 of drugs that you're taking for various conditions, do
25 you feel that you're able to make decisions in your own

1 best interest today?

2 THE DEFENDANT: Absolutely.

3 THE COURT: And your mind is clear?

4 THE DEFENDANT: Yes.

5 THE COURT: Okay. Now, in addition to the plea
6 agreement, have you reviewed the Indictment, that is,
7 the written charges that the Government has brought
8 against you in this case?

9 THE DEFENDANT: Yes, I did.

10 THE COURT: And did you review those with your
11 attorney?

12 THE DEFENDANT: Yes, I did.

13 THE COURT: And did he answer any questions that
14 you have about the Indictment or the consequences of
15 the Indictment?

16 THE DEFENDANT: Yes, he did.

17 THE COURT: And, Mr. Marziale, are you
18 completely satisfied with the representation that
19 you've received from your attorney in this case?

20 THE DEFENDANT: Yes, I am.

21 THE COURT: Now, sir, if you change your plea to
22 guilty -- strike that. Under the Constitution and laws
23 of this country, you have certain rights. If you
24 change your plea to guilty, you'll give up the rights
25 that you currently have under the Constitution and laws

1 that I'm about to tell you.

2 I want to make sure that you understand that you
3 have these rights and that by changing your plea to
4 guilty, you'll give up these rights.

5 THE DEFENDANT: I understand.

6 THE COURT: You have a right to plead not guilty
7 as you have so far, and you have a right to continue in
8 that plea of not guilty.

9 If you were to continue in the plea of not
10 guilty, you would be entitled to a trial by a jury. At
11 that trial, the Government would have to prove each and
12 every element of the charges it brings against you
13 beyond a reasonable doubt.

14 At that trial you would have a right to see,
15 hear, confront, cross-examine, have your attorney do
16 so, all of the evidence and the witnesses that the
17 Government would put on in order to prove its case
18 against you.

19 You would also have a right to present evidence
20 in your own defense. In fact, you could compel people,
21 subpoena them, to come to court to testify in your
22 defense.

23 You would also have a right to testify at that
24 trial. Perhaps more importantly, though, you would
25 have a right not to testify. And if you chose not to

1 testify, that fact could not be used against you by the
2 jury or the Court or anyone else.

3 You also have a right to counsel, and the Court
4 would appoint counsel for you if you couldn't otherwise
5 afford one; and the Court would appoint counsel for you
6 throughout all of the proceedings.

7 But if you change your plea to guilty, you'll be
8 giving up all of these rights that you have and there
9 will be no trial. Do you understand that you have
10 these rights?

11 THE DEFENDANT: Yes, I do.

12 THE COURT: And do you understand that if you
13 change your plea to guilty, there will be no trial and
14 you'll give up all of these rights?

15 THE DEFENDANT: Yes, I do.

16 THE COURT: Now, sir, has anyone in any way
17 attempted to force you to plead guilty or threatened
18 you in any way to get you to plead guilty?

19 THE DEFENDANT: No.

20 THE COURT: Has anyone made any promises or
21 assurances to you other than what's contained in the
22 plea agreement in order to get you to plead guilty in
23 this case?

24 THE DEFENDANT: No.

25 THE COURT: So are you knowingly and voluntarily

1 asking this Court to allow you to change your plea to
2 guilty because you believe at this time it's in your
3 personal best interest to do so?

4 THE DEFENDANT: Yes.

5 THE COURT: Now, I want to describe to you what
6 the maximum penalties are that you face at the time of
7 sentencing for the five counts. My understanding is
8 that you're prepared to plead guilty to Counts I, V,
9 VI, XIII and XIX; is that correct?

10 THE DEFENDANT: Yes.

11 THE COURT: As to Counts I, V and VI, as to
12 each of those counts, there's a maximum period of
13 incarceration of 30 years, a maximum fine of one
14 million dollars, a period of supervised release of five
15 years, and there will be a \$100 mandatory special
16 assessment.

17 As to Counts XIII and XIX, there's a mandatory
18 two-year consecutive period of incarceration,
19 consecutive to the sentence that's imposed as to
20 Counts I, V or VI, there's a \$250,000 maximum fine, a
21 one-year period of supervised release and a \$100
22 mandatory special assessment.

23 Now, if the Court were to impose the maximum
24 sentence as to each of the counts and if the Court were
25 to impose them consecutively, meaning to be served

1 consecutively, meaning one after the other, then the
2 maximum period of incarceration the Court could impose
3 is 94 years, there's a \$3.5 million fine, up to 17
4 years of supervised release, and there will be a \$500
5 mandatory special assessment.

6 Do you understand that these are the penalties,
7 the maximum penalties, that the Court could impose at
8 the time of sentencing?

9 THE DEFENDANT: Yes, I do.

10 THE COURT: Do you also understand that if the
11 Court imposes a period of supervised release, that if
12 you violate any of the conditions of supervised
13 release, further jail time can be brought upon you? Do
14 you understand that as well?

15 THE DEFENDANT: Yes, I do.

16 THE COURT: Mr. Marziale, are you a citizen of
17 the United States?

18 THE DEFENDANT: Yes, I am.

19 THE COURT: As a citizen of the United States,
20 you have certain valuable civil rights that you could
21 lose by pleading guilty to this felony.

22 You could lose the right to vote, the right to
23 hold public office, the right to serve on a jury and
24 the right to possess any kind of firearm or ammunition.

25 Do you understand that you could lose these

1 valuable civil rights if you plead guilty to these
2 felonies?

3 THE DEFENDANT: Yes, I do.

4 THE COURT: Ms. Hebert, are there forfeiture
5 allegations?

6 MS. HEBERT: No, your Honor.

7 THE COURT: Okay. Thanks.

8 Now, I want to make sure you understand how the
9 Court will determine what an appropriate sentence is in
10 this case. At some point after the change of plea,
11 you'll be asked to meet with the Probation Department
12 next door in the Pastore Building.

13 You have a right to have your attorney present
14 with you for that interview, and I encourage you to
15 make sure your attorney is present with you for that
16 interview.

17 The Probation Department will interview you, and
18 then they'll conduct other investigation, and they'll
19 prepare a presentence report. That report will give me
20 information about your background and various other
21 information that the Court will use at the time of
22 sentencing.

23 It will also calculate the advisory sentencing
24 guidelines. Those are guidelines that assist the Court
25 in determining what an appropriate sentence may be.

1 The Court has not determined what the advisory
2 sentencing guidelines are yet.

3 Now, your attorney may have calculated what he
4 thinks they'll be or the Government may have calculated
5 them and told your attorney what it thinks they may be.
6 I won't determine the advisory sentencing guidelines
7 until after the presentence report is issued.

8 Your attorney and the Government's attorney have
9 a chance to object to the calculation, I'll rule on the
10 objections, and then I'll determine at the time of
11 sentencing what the appropriate advisory guideline
12 range is.

13 Do you understand as we sit here today we don't
14 know what the advisory guideline range is?

15 THE DEFENDANT: Yes, I do.

16 THE COURT: Do you also understand, though, that
17 you made certain concessions that will affect the
18 guideline range?

19 So you made a concession that the amount of loss
20 here falls in between \$250,000 and \$550,000. That will
21 affect the guideline range. Do you understand that?

22 THE DEFENDANT: Yes, I do.

23 THE COURT: Do you understand that you've agreed
24 to that range?

25 THE DEFENDANT: Yes.

1 THE COURT: Okay. Do you also understand that
2 you've agreed that the crime involved here involved
3 more than 10 victims and that by agreeing to that, that
4 that will, in fact, affect the guideline range? Do you
5 understand that as well?

6 THE DEFENDANT: Yes.

7 THE COURT: Okay. You won't have a right to
8 object to either of those two as part of the guideline
9 calculation. Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you also understand that as part
12 of the plea agreement you've agreed to waive any right
13 to appeal the sentence that the Court imposes if the
14 sentence is at or below the guideline range? Do you
15 understand that as well?

16 THE DEFENDANT: Yes.

17 THE COURT: Okay. And, finally, do you
18 understand that in the federal system at this time
19 parole has been abolished; that is, there is no right
20 to apply for parole from incarceration? You will serve
21 the entire time that the Court imposes, minus some time
22 off for good behavior, but there is no right to apply
23 for parole the way there is in the state system. Do
24 you understand that as well?

25 THE DEFENDANT: Yes.

1 THE COURT: I'm going to ask the U.S. Attorney,
2 Assistant U.S. Attorney now to -- not U.S. Attorney
3 yet, maybe some day, to tell us what the facts are
4 that -- to tell us what the elements of the five counts
5 are that you're prepared to plead guilty to and to tell
6 us what facts the Government would introduce if this
7 case were to go to trial.

8 I want you to pay particular attention to the
9 facts because at the end of it, I'm going to ask if you
10 admit the facts as stated by the Government as true.
11 Okay?

12 THE DEFENDANT: Yes.

13 THE COURT: Ms. Hebert.

14 MS. HEBERT: Yes, your Honor. The elements of
15 conspiracy to commit bank fraud are as follows: First,
16 that the conspiracy charged in the Indictment existed
17 between at least two people to commit bank fraud;
18 second, the Defendant willfully joined in the
19 agreement; and third, that one of the co-conspirators
20 committed an overt act during the period of the
21 conspiracy in an effort to further the purpose of the
22 conspiracy.

23 The elements of bank fraud are as follows:
24 First, the financial institutions alleged in this case
25 to be Washington Mutual Bank, Flagstar Bank, Bank of

1 America, Wells Fargo and Sierra Pacific were federally
2 insured or were Federal Reserve banks or members of the
3 Federal Reserve system; second, the Defendant engaged
4 in a scheme substantially as charged in the Indictment
5 to defraud or made false statements or
6 misrepresentations to obtain money from the
7 institution; and third, that the Defendant acted
8 knowingly.

9 The elements of aggravated identity theft are as
10 follows: First, that the Defendant committed the crime
11 of conspiracy to commit bank fraud and bank fraud;
12 second, that during and in relation to those crimes,
13 Defendant knowingly transferred, possessed or used
14 without lawful authority the means of identification
15 described in the Indictment.

16 Finally, with respect to some counts, the
17 Defendant is charged with aiding and abetting. The
18 elements of aiding and abetting are, first, that
19 someone else committed the charged crime and, second,
20 that the Defendant consciously shared the person's
21 knowledge of the underlying criminal act, intended to
22 help him and willfully took part in the endeavor
23 seeking to make it succeed.

24 Had this case proceeded to trial, the
25 Government's evidence would have established the

1 following facts with regard to the Defendant: First,
2 the Government would ask the Court to incorporate the
3 facts alleged in the Indictment.

4 Secondly, the Government would have established
5 the following: Beginning on or about October 9th,
6 2007, and continuing until on or about December 16th,
7 2013, the Defendant, Raffaele Marziale, conspired with
8 real estate attorney and broker Louis Marandola, loan
9 originator Brian McCaffrey, loan processor Lauren
10 Sienko, real estate agent Gina Ronci Mohamed and real
11 estate investor Edwin Rodriguez to commit bank fraud in
12 connection with the purchase, sale and mortgage
13 financing of residential real estate.

14 The conspirators devised an elaborate scheme to
15 fraudulently obtain residential real estate loans, many
16 of them insured by the Federal Housing Administration,
17 through the submission of false documents to lenders
18 and the concealment of material facts from those
19 lenders.

20 The co-conspirators also stole money from the
21 buyers and sellers of real estate who had sought
22 assistance from the conspirators with real estate
23 transactions. They often did this by creating two sets
24 of documents accounting for the expenses associated
25 with the real estate transaction.

1 Prior to June 2010, Marziale worked as a loan
2 officer for Evergreen Mortgage Advisors in Lincoln,
3 Rhode Island. Marandola, McCaffrey and Sienko worked
4 in the same office building as Marziale in Lincoln,
5 Rhode Island.

6 In 2007, Marziale and Sienko assisted McCaffrey
7 in obtaining a mortgage loan from Washington Mutual
8 Bank to purchase 15 Metcalf Street, Providence, Rhode
9 Island, a property owned by Marandola and Joseph
10 Picozzi, Marziale's employer at this time.

11 McCaffrey's loan application included false
12 supporting documents, including a false HUD-1 form
13 prepared by Marandola and a false verification of
14 mortgage form signed by Sienko. The verification of
15 mortgage form was also signed by McCaffrey and
16 Marandola's wife.

17 Washington Mutual ultimately approved
18 McCaffrey's loan based in part upon the fraudulent
19 documents submitted.

20 Marandola, through his real estate escrow and
21 title insurance business, Amerititle, LLC, served as
22 the settlement agent for the closing of McCaffrey's
23 fraudulently obtained Washington Mutual loan.

24 Several years later in 2010, Marandola moved his
25 law office to 715 Branch Avenue, Providence, Rhode

1 Island. McCaffrey, who accepted a job as a branch
2 manager for Sierra Pacific Mortgage Company in 2010,
3 decided to share office space and expenses with
4 Marandola unbeknownst to Sierra Pacific.

5 Sienko, who was hired by Sierra Pacific to serve
6 as a loan processor, went with McCaffrey to 715 Branch
7 Avenue.

8 In July 2011, Marandola and Amerititle were
9 barred from serving as settlement agent by Sierra
10 Pacific. As a result, Marandola created Clean Close
11 Title & Escrow.

12 In order to continue to do business with
13 Marandola, who paid expenses associated with the Branch
14 Avenue operation, McCaffrey and Sienko represented to
15 Sierra Pacific that Attorney Robert McNelis served as
16 the closing attorney on behalf of Clear Close when, in
17 fact, the loans were closed by Marandola.

18 Marziale moved to Branch Avenue with Marandola,
19 McCaffrey and Sienko. Marziale, who had been unable to
20 obtain a loan originator license despite multiple
21 attempts, began to work as a loan officer under
22 McCaffrey's name and license. Marziale did this with
23 McCaffrey's knowledge and consent.

24 To conceal Marziale and Marandola's involvement
25 from their supervisors and corporate personnel at

1 Sierra Pacific, McCaffrey and Sienko asked Marziale and
2 Marandola to leave the offices when Sierra Pacific
3 personnel came for a visit.

4 In order to effectuate the scheme, each
5 co-conspirator had a role to play without which this
6 scheme could not have succeeded. Marandola, who served
7 as the settlement or closing agent on the fraudulent
8 real estate transactions alleged in the Indictment,
9 controlled the funds through his escrow account, paying
10 expenses of the scheme and paying Marziale, McCaffrey,
11 Sienko and others for their efforts to close the loans.

12 Marandola created and approved false documents
13 as part of the scheme. Marziale, working as a loan
14 officer, often impersonated McCaffrey with prospective
15 borrowers.

16 Marziale created or caused to be created false
17 documents in support of the loans which he then
18 provided to Sienko and McCaffrey for submission to
19 Sierra Pacific.

20 It was Marziale's practice to e-mail McCaffrey
21 and Sienko when he had a borrower coming who thought
22 Marziale was McCaffrey so that they would know to play
23 along. Sienko assisted Marziale by directing borrowers
24 to contact Brian at Marziale's number.

25 McCaffrey and Sienko as Sierra Pacific employees

1 submitted the loan documents for loans originated by
2 Marziale to Sierra Pacific under McCaffrey's name and
3 license. McCaffrey, who received compensation from
4 Sierra Pacific for loans originated by Marziale, caused
5 Sierra Pacific to compensate Marziale for his work by
6 submitting false invoices to Sierra Pacific for
7 marketing services.

8 Through these false invoices, McCaffrey caused
9 Sierra Pacific to pay Marziale for marketing when, in
10 fact, Marziale was working as an unlicensed loan
11 officer.

12 Ronci worked as a real estate agent under
13 Marandola. She assisted the conspirators in getting
14 approval for the loans sought by creating documents and
15 listing properties, giving the false impression that
16 she actually listed and marketed the properties when,
17 in fact, she did not. She did this so as to give the
18 false impression that the real estate transactions were
19 arm's length.

20 Many of the fraudulent loans described in the
21 Indictment and originated by Marziale through McCaffrey
22 and Sienko were for properties owned by Rodriguez under
23 the name of family members.

24 These properties include 50 Chatham Street,
25 35 Robin Street, 55 Gillen Street, 71 Wallace Street

1 and 46 Magdalene Street.

2 Additionally, 71-73 Parnell Street was owned by
3 an associate of Rodriguez's. Rodriguez recruited
4 buyers for the homes and had them apply for a loan
5 through Marziale, McCaffrey and Sienko.

6 Marziale, McCaffrey and Sienko had no contact
7 with the borrowers. They went through Rodriguez, and
8 they did not verify documents provided to them by
9 Rodriguez.

10 When Marziale needed a verification of rent form
11 or an insurance binder completed for the loan
12 application, he asked Rodriguez to complete the forms.
13 He was initially directed to do this by McCaffrey and
14 Sienko who had worked with Rodriguez in the past.

15 As alleged in Count VI of the Indictment,
16 Marziale obtained a false verification of rent form,
17 false bank statements and a false insurance binder from
18 Rodriguez in connection with the loan for 35 Robin
19 Street.

20 For the 35 Robin Street loan, as well as the
21 other loans associated with properties owned by
22 Rodriguez, Marandola did not collect a down payment and
23 Attorney McNelis was falsely listed as the closing
24 attorney on documents submitted to Sierra Pacific.

25 Several other properties involved in this scheme

1 were properties owned or controlled by Marandola and
2 Marziale or their associates, such as 63 Wendell
3 Street, 52-54 Bergen Street, 61 Ledge Street, 12 Sue
4 Street and 245-47 Jewett Street.

5 In some instances, buyers were located by
6 Rodriguez, who was paid for his efforts, and in other
7 instances Marziale located a buyer.

8 With these loans, fraudulent supporting
9 documents were submitted, no down payment was collected
10 and Attorney McNelis was falsely identified as the
11 closing attorney.

12 Additionally, Ronci was falsely identified as a
13 real estate agent negotiating the transactions when, in
14 fact, the transactions were negotiated or arranged by
15 Marziale and Marandola or, in the case of 245-47 Jewett
16 Street, the seller of the property.

17 As alleged in Counts V and XIII of the
18 Indictment, 12 Sue Street was a property owned by DQ.
19 Marziale recruited a buyer for this property, JT, a
20 young woman who was a friend of his family member.

21 Marandola caused paperwork to be submitted to
22 the seller, DQ, indicating that the property sold for
23 \$55,000. Meanwhile, Marziale caused false paperwork to
24 be submitted to Sierra Pacific reflecting that the
25 property sold for \$175,000.

1 DQ's signature was forged on documents submitted
2 to Sierra Pacific. Marziale signed documents falsely
3 representing that JT was his niece, giving the false
4 impression that he was an approved source of gift funds
5 for the down payment.

6 JT, a first-time home buyer, purchased 12 Sue
7 Street with a federally insured loan in the amount of
8 \$175,563. She has since defaulted on this loan.

9 As alleged in Count XIX of the Indictment,
10 Marziale and Marandola employed similar techniques in
11 arranging for the purchase of 61 Ledge Street in the
12 name of Marziale's mother.

13 The documents and funds provided to DQ, the
14 seller, reflected that the sale price was \$62,000.
15 However, Marziale obtained a loan from Sierra Pacific
16 in his mother's name in the amount of \$171,830
17 purportedly to purchase 61 Ledge Street from DQ.

18 To obtain approval for the loan, he and
19 Marandola caused DQ's name to be forged on documents
20 submitted to Sierra Pacific and deeds filed with the
21 City of Providence.

22 By engaging in this scheme, Marziale was and the
23 other co-conspirators were unjustly enriched at the
24 expense of lenders, the FHA, buyers and, on occasion,
25 sellers.

1 THE COURT: Thanks, Ms. Hebert.

2 Mr. Marziale, you've heard the elements of the
3 charges that the Government has brought against you
4 that you -- I understand you're prepared to plead
5 guilty to.

6 Do you understand that the Government would have
7 to prove each and every one of those elements beyond a
8 reasonable doubt in order for you to be found guilty of
9 any of those counts?

10 THE DEFENDANT: Yes, I do.

11 THE COURT: You also heard the facts that the
12 Government would prove if this case were to go to
13 trial. Do you admit the facts as stated by the
14 Government as true?

15 THE DEFENDANT: Yes, I do.

16 THE COURT: Before I ask you about your change
17 of plea, do you have any questions for the Court or do
18 you want to confer with your attorney about any matter?

19 THE DEFENDANT: No. I'm okay.

20 THE COURT: How do you now plead, Mr. Marziale,
21 to Counts I, V, VI, XIII and XIX of the Indictment
22 brought against you, guilty or not guilty?

23 THE DEFENDANT: Guilty.

24 THE COURT: This Court has heard from the
25 Government the evidence it would present if this matter

1 were to go to trial. The Court has questioned the
2 Defendant regarding his understanding of the nature of
3 the proceedings and the consequences of entering a plea
4 of guilty to the charge.

5 It is, therefore, the finding of this Court in
6 the case of the United States versus Raffaele Marziale
7 that the Defendant is fully capable and competent of
8 entering an informed plea, that the Defendant is aware
9 of the nature of the proceedings and the consequences
10 of the plea and that the plea of guilty is a knowing
11 and voluntary plea supported by an independent basis in
12 fact containing each of the essential elements of the
13 charges; and, therefore, the plea is accepted, and the
14 Defendant is now adjudged guilty of those charges.

15 Sentencing will be set down for May 24th, 2016,
16 at 10 a.m.

17 Ms. Hebert, anything further for the Government?

18 MS. HEBERT: No, your Honor.

19 THE COURT: Any position on Mr. Marziale's
20 continued release?

21 MS. HEBERT: No objection to continued release,
22 your Honor.

23 THE COURT: Okay. Thanks.

24 Mr. Connors, anything further for Mr. Marziale?

25 MR. CONNORS: No, your Honor. Thank you.

1 THE COURT: Mr. Marziale, the conditions that
2 were placed upon you at the time of your initial
3 arraignment and release remain in full force and effect
4 until the time of sentencing. Do you understand that?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Great. We'll stand adjourned.
7 Thanks.

8 (Adjourned.)
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C E R T I F I C A T I O N

I, Karen M. Wischnowsky, RPR-RMR-CRR, do
hereby certify that the foregoing pages are a true and
accurate transcription of my stenographic notes in the
above-entitled case.

June 27, 2016

Date

/s/ Karen M. Wischnowsky

Karen M. Wischnowsky, RPR-RMR-CRR
Federal Official Court Reporter